

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Cyril Sheppard,

Plaintiff,

-against-

Department of Corrections, et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 8/5/2021

1:20-cv-09405 (JPC) (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference today, during which only Defendants appeared, it is hereby Ordered that the parties are directed to appear for another telephone conference on September 15, 2021 at 11:00 a.m. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

Plaintiff failed to appear for today's conference despite apparent receipt of the Court's June 30, 2021 Order (ECF No. 30) via mail.<sup>1</sup> During today's conference, counsel for Defendants indicated that she has had no contact with Plaintiff and that she does not know his telephone number. Plaintiff is reminded that it is his responsibility to comply with Court Orders and "diligently prosecute his case." *Murray v. Bouck*, No. 19-CV-00317 (MKV), 2020 WL 6381935, at \*3 (S.D.N.Y. Oct. 30, 2020) (citing cases). Failure to do so is grounds for dismissal under Federal

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<sup>1</sup> There is no indication on the docket that the Order scheduling today's conference was returned. In any event, if Plaintiff's address has changed it is his duty to inform the Court and Defendants of any changes of address. See *Reyes v. NY F&B Servs. LLC*, No. 15-CV-02882 (LTS) (DCF), 2016 WL 3826283, at \*1 n.1 (S.D.N.Y. July 12, 2016) (internal quotation marks and citation omitted); see also *Terry v. City of New York*, No. 20-CV-00081 (ER), 2020 WL 5913409, at \*2 (S.D.N.Y. Oct. 6, 2020) ("Whether Plaintiff actually received the Court's orders is inconsequential, as it remained his duty to diligently pursue his case and to inform this Court's Pro Se Office of any change of address.") (internal quotation marks and citation omitted).

Rule of Civil Procedure 41(b). *See, e.g., Ellis v. Catalano*, No. 16-CV-08452 (KMK), 2020 WL 4432521, at \*2 (S.D.N.Y. July 31, 2020) (citing cases).

**Accordingly, if Plaintiff fails to appear for the September 15, 2021 conference, I will recommend to District Judge Cronan that this action be dismissed without prejudice for failure to prosecute. *See Fed. R. Civ. P. 41(b)*.**

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff.

**SO ORDERED.**

DATED: New York, New York  
August 5, 2021

A handwritten signature in cursive script, reading "Stewart D. Aaron", written in black ink.

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STEWART D. AARON  
United States Magistrate Judge